

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES L. JOHNSON, JR.,
Plaintiff,
v.
SOLANO COUNTY SHERIFF, *et al.*,
Defendants.

Case No. 2:22-cv-02220-KJM-JDP (PS)

ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE IMPOSED
FOR FAILURE TO COMPLY WITH LOCAL
RULES

ECF No. 3

On December 15, 2022, defendants filed a motion to dismiss plaintiff's first amended complaint. ECF No. 3. To date, plaintiff has not filed a response to the motion.

Under the court's local rules, a responding party is required to file an opposition or statement of non-opposition to a motion no later than fourteen days after the date it was filed. E.D. Cal. L.R. 230(c). To manage its docket effectively, the court requires litigants to meet certain deadlines. The court may impose sanctions, including dismissing a case, for failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110; *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See* *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

1 The court will give plaintiff the opportunity to explain why sanctions should not be
2 imposed for failure to file an opposition or statement of non-opposition to defendants' motion.
3 Plaintiff's failure to respond to this order will constitute a failure to comply with a court order and
4 will result in a recommendation that this action be dismissed.

5 Accordingly, it is hereby ORDERED that:

6 1. The February 2, 2023 hearing on defendants' motion to dismiss is continued to March
7 9, 2023, at 10:00 a.m., in Courtroom No. 9.

8 2. By no later than February 16, 2023, plaintiff shall file an opposition or statement of
9 non-opposition to defendant's motion to dismiss. *See* ECF No. 3.

10 3. Plaintiff shall show cause, by no later than February 16, 2023, why sanctions should
11 not be imposed for failure to timely file an opposition or statement of non-opposition to
12 defendant's motion.

13 4. Defendants may file a reply to plaintiff's opposition, if any, no later than February 23,
14 2023.

15 5. Failure to comply with this order may result in a recommendation that this action be
16 dismissed for lack of prosecution, failure to comply with court orders, and failure to comply with
17 local rules.

18 IT IS SO ORDERED.

19 Dated: January 29, 2023

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21 JEREMY D. PETERSON
22 UNITED STATES MAGISTRATE JUDGE
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